

DISASTER ALERT



FLOOD ASSISTANCE JOB TRAINING PARTNERSHIP ACT

Employment Development Department

Number: FA97-24

Date: 1/12/98

69-1:132:gl

TO: SERVICE DELIVERY AREA ADMINISTRATORS
CALIFORNIA CONSERVATION CORPS
LA COOPERATIVA CAMPESENA DE CALIFORNIA
NORTHERN CALIFORNIA INDIAN DEVELOPMENT COUNCIL

SUBJECT: SUPPLANTATION (DISPLACEMENT) PRECAUTION

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The purpose of this alert is to consolidate and expand previously issued direction prohibiting supplantation (displacement) relative to the Flood Assistance 1997 Project. The Job Training Partnership Act (JTPA) at Section 143. (b)(3) and the Code of Federal Regulations at 627.230 generally state the following:

1. No worker shall be displaced by any JTPA participant (including partial displacement).
2. No program under the Act shall impair existing contracts for services or existing collective bargaining agreements.
3. No participant shall be employed when the employing agency has reduced its workforce with the intention of filling the vacancy(ies) with JTPA subsidized workers.
4. No jobs shall be created in promotional lines that infringe on opportunities of existing workers.

Although the recent review by the Employment Development Department's Program Review Branch found no instances of supplantation of either regular Caltrans employees or contract employees by Temporary Job Creation (TJC) participants from the 1997 Flood Assistance Project, it is our intention to help you clarify any concern or question regarding this issue. Project operators should go beyond written confirmation and certification on worksite agreements precluding supplantation. Project staff are encouraged to cover the issue of supplantation in their orientations and worksite negotiations with its contractors. Examples of the types of work that is not allowed are as follows:

1. The TJC participants cannot be employed to augment a function that would usually be included as part of a “contracted” bid.
2. The TJC participants cannot be used if the work would normally have been performed without our program’s help.

If supplantation is determined to exist for any of the TJC participants for this project, alternate appropriate jobs should be developed. Participants for this project should be reassigned immediately to jobs where supplantation is not an issue.

Please refer any questions regarding this matter to Luis Hermosillo at (916) 654-5416 or Laine-Hendra Aldrich at (916) 654-5595.

/S/ JIM CURTIS, Manager
Program Management Section